

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DEMETRIUS BARWICKS,)	
)	
Plaintiff,)	14 C 8791
)	
vs.)	Honorable Judge
)	Robert M. Dow, Jr.
THOMAS DART, et al.,)	
)	
Defendants.)	

DEFENDANT’S ANSWER TO PLAINTIFF’S COMPLAINT

NOW COMES, the Defendant, THOMAS DART, by and through his attorney, ANITA ALVAREZ, State’s Attorney of Cook County, through BRIAN M. CASEY, Assistant State’s Attorney, and submits Defendant’s Answer to Plaintiff’s Amended Complaint as follows:

STATEMENT OF CLAIM

1. Be advise on the date 1-26-13 while housed in C.C.D.O.C. Div. 9 Tier 2F. on 7-3 shift between 8:00am and 10:00am a incident occurred with me being attacked by numerous detainees and sworn staff failed to protect.

ANSWER: Defendant lacks sufficient information and knowledge to form a belief as to the truth of the allegations contained in paragraph 1.

2. I pre trial detainee was sitting down watching T.V. A group of males walked over to where I was sitting and told me I have to pack my property and leave the tier.

ANSWER: Defendant lacks sufficient information and knowledge to form a belief as to the truth of the allegations contained in paragraph 2.

3. The assign tier C/O noticed the confrontation and came toward the interlock door with radio in his hands. I got up and ran towards the interlock screaming for help, the C/O closed the door on me.

ANSWER: Defendant lacks sufficient information and knowledge to form a belief as to the truth of the allegations contained in paragraph 3.

4. While I was running one of the detainees tripped me causing me to fall to the ground. I was beaten severely by numerous detainees to the point went unconscious.

ANSWER: Defendant lacks sufficient information and knowledge to form a belief as to the truth of the allegations contained in paragraph 4.

5. When I regained conscious I was in hospital with 2 of my front teeth knocked out plus bruising and swelling over my face and body.

ANSWER: Defendant lacks sufficient information and knowledge to form a belief as to the truth of the allegations contained in paragraph 5.

6. During the time of incident (Thomas Dart) was in the elected chair of Cook County Sheriff. While being in the Sheriff position (Dart) is responsible for employee's working under him which is why he being sued.

ANSWER: Defendant admits Thomas Dart was the elected Sheriff of Cook County in January 2013. Defendant denies the remaining allegations contained in paragraph 6.

AFFIRMATIVE DEFENSES

Defendant offers the following affirmative defenses to Plaintiff's allegations:

1. Defendant's conduct was at all times objectively reasonable and did not violate any of Plaintiff's clearly established Constitutional rights. Accordingly, the Defendant is entitled to the defense of Qualified Immunity.

2. To the extent that Defendant is named in his official capacity, he is immune from punitive damage awards. *City of Newport v. Fact Concerts, Inc.*, 453 U.S. 247, 101 S. Ct. 2748 (1981).

3. Plaintiff failed to exhaust the administrative remedies as required by the Prison Litigation Reform Act, 42 U.S.C. Sec. 1997 (e) (a). *See Dale v. Lappin*, 376 F. 3d 652, 655 (7th Cir. 2004).

JURY DEMAND

With regard to any issue that may be appropriately heard by a jury in this cause of action, Defendant hereby demands a jury trial.

Respectfully Submitted,

ANITA ALVAREZ
State's Attorney of Cook County

By: /s/ *Brian M. Casey*
Brian M. Casey
Assistant State's Attorney
500 Richard J. Daley Center
Chicago, IL 60602
(312) 603-3374